

ASSEMBLY BILL

No. 475

Introduced by Assembly Member Butler

February 15, 2011

An act to amend Sections 22511 and 22511.5 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 475, as introduced, Butler. Vehicles: offstreet parking: electric vehicles.

Existing law authorizes a local authority, by ordinance or resolution, and a person in lawful possession of an offstreet parking facility, to designate stalls or spaces in an offstreet parking facility owned or operated by that local authority or person for the exclusive purpose of fueling and parking a vehicle that displays a valid zero emission vehicle (ZEV) decal identification posted on the driver's side rear window or bumper of the vehicle or, if the vehicle does not have a rear window or bumper, on the driver's side of the windshield, issued by the Department of Motor Vehicles pursuant to these provisions. Existing law, for purposes of those provisions, defines a "zero emission vehicle" to mean any car, truck, or other vehicle that produces no tailpipe or evaporative emissions.

This bill would instead make those provisions applicable to an electric vehicle, and would define "electric vehicle" to mean any car, truck, or other vehicle that does not produce tailpipe or evaporative emissions or is a plug-in hybrid vehicle (PHEV), as that term is used by the State Air Resources Board.

Existing law further prohibits a person from parking or leaving standing a vehicle in a stall or space so designated for a zero emission

vehicle unless a valid zero emission vehicle decal identification is displayed on that vehicle.

This bill would instead make that prohibition applicable to a vehicle in a stall or space designated pursuant to the above provisions unless a valid electric vehicle decal identification is displayed on that vehicle.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22511 of the Vehicle Code is amended
2 to read:

3 22511. (a) ~~Any~~A local authority, by ordinance or resolution,
4 and ~~any~~ a person in lawful possession of an offstreet parking
5 facility may designate stalls or spaces in an offstreet parking facility
6 owned or operated by that local authority or person for the
7 exclusive purpose of fueling and parking a vehicle that displays a
8 valid ~~zero-emission~~ electric vehicle (~~ZEV~~) (EV) decal identification
9 posted on the driver's side rear window or bumper of the vehicle
10 or, notwithstanding any other ~~provision of~~ law, if the vehicle does
11 not have a rear window or bumper, on the driver's side of the
12 windshield, issued by the Department of Motor Vehicles pursuant
13 to this section. The designation shall be made by posting a sign in
14 compliance with subdivision (d) or (e).

15 (b) If posted in accordance with subdivision (d) or (e), the owner
16 or person in lawful possession of a privately owned or operated
17 offstreet parking facility, after notifying the police or sheriff's
18 department, may cause the removal of a vehicle from a stall or
19 space designated pursuant to subdivision (a) in the facility to the
20 nearest public garage if a valid ~~ZEV~~ EV decal identification issued
21 pursuant to this section is not displayed on the vehicle.

22 (c) If posted in accordance with subdivision (d), the local
23 authority owning or operating an offstreet parking facility, after
24 notifying the police or sheriff's department, may cause the removal
25 of a vehicle from a stall or space designated pursuant to subdivision
26 (a) in the facility to the nearest garage, as defined in Section 340,
27 that is owned, leased, or approved for use by a public agency if a
28 valid ~~ZEV~~ EV decal identification issued pursuant to this section
29 is not displayed on the vehicle.

(d) The posting required for an offstreet parking facility owned or operated either privately or by a local authority shall consist of a sign not less than 17 by 22 inches in size with lettering not less than one inch in height ~~which~~ *that* clearly and conspicuously states the following: “Unauthorized vehicles not displaying valid ~~zero-emission~~ *electric* vehicle decal identifications will be towed away at owner’s expense. Towed vehicles may be reclaimed at

_____ or by telephoning

 (Address)
 _____.”
 (Telephone number of local law enforcement agency)

The sign shall be posted in either of the following locations:

- (1) Immediately adjacent to, and visible from, the stall or space.
- (2) In a conspicuous place at each entrance to the offstreet parking facility.

(e) If the parking facility is privately owned and public parking is prohibited by the posting of a sign meeting the requirements of paragraph (1) of subdivision (a) of Section 22658, the requirements of subdivision (b) may be met by the posting of a sign immediately adjacent to, and visible from, each stall or space indicating that a vehicle not meeting the requirements of subdivision (a) will be removed at the owner’s expense and containing the telephone number of the local traffic law enforcement agency.

(f) (1) For purposes of implementing this section, the Department of Motor Vehicles shall make available for issuance; ~~beginning July 1, 2003,~~ for a fee determined by the Department of Motor Vehicles to be sufficient to reimburse it for actual costs incurred pursuant to this section, distinctive decals for ~~zero-emission~~ *electric* vehicles.

(2) The department shall design the decal, which shall be two inches by two inches, and be placed on the driver’s side rear window or bumper of the vehicle, or, notwithstanding any other ~~provision of law,~~ if the vehicle does not have a rear window or bumper, on the driver’s side of the windshield. Each decal shall display a unique number. The decal may be provided to car dealers who sell electric vehicles for distribution to ~~ZEV~~ *EV* purchasers.

(g) For purposes of this section, ~~“zero-emission vehicle”~~ *“electric vehicle”* means any car, truck, or ~~any~~ other vehicle that

1 ~~produces no~~ *does not produce* tailpipe or evaporative emissions
2 *or is a plug-in hybrid vehicle (PHEV), as that term is used by the*
3 *State Air Resources Board.*

4 (h) ~~Nothing in this~~ *This section is intended to* ~~does not~~ interfere
5 with existing law governing the ability of local authorities to adopt
6 ordinances related to parking programs within their jurisdiction,
7 such as programs that provide free parking in metered areas or
8 municipal garages for electric vehicles.

9 SEC. 2. Section 22511.1 of the Vehicle Code is amended to
10 read:

11 22511.1. (a) A person may not park or leave standing ~~any a~~
12 vehicle in a stall or space designated pursuant to Section 22511
13 unless a valid ~~zero-emission~~ *electric* vehicle decal identification
14 issued pursuant to Section 22511 is displayed on that vehicle.

15 (b) A person may not obstruct, block, or otherwise bar access
16 to parking stalls or spaces described in subdivision (a) except as
17 provided in subdivision (a).

18 (c) A person shall not display a decal issued pursuant to Section
19 22511 on a vehicle that does not use electricity as the motive
20 power.